

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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ELAINE S WENDEL :  
Plaintiff, : Civil Action No. 15-cv-00936  
-v- :  
MULLOOLY, JEFFREY, ROONEY &  
FLYNN, LLP :  
Defendant.

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**NOTICE OF MOTION TO HOLD DEFENDANT'S MOTION TO DISMISS IN  
ABEYANCE PENDING RESOLUTION OF PLAINTIFF'S IMMINENTLY  
FORTHCOMING MOTION TO AMEND**

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Please take notice that upon the pursuant to the annexed affidavit, Plaintiff will move this court to enter an order, on the date and time of its choosing, which holds Defendant's motion to dismiss Plaintiff's original complaint in abeyance, pending resolution of Plaintiff's imminently forthcoming motion to amend. Counsel for Plaintiff reached out to counsel for Defendant to obtain consent for this motion. Counsel for Defendant withheld consent pending an opportunity to review Plaintiff's motion to amend, and confer with his client. To the extent this motion is opposed, Plaintiff intends to file a reply brief.

Respectfully submitted,

/s/ Timothy Hiller

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